

SENATE BILL 464

By Harper

AN ACT to amend Tennessee Code Annotated, Title 33;  
Title 68 and Title 71, relative to health care  
facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-256, is amended by deleting subsections (e) and (f) in their entirety and by substituting instead the following language:

(e) All nursing homes shall establish a drug testing policy for all direct care employees to ensure the safety of nursing home patients while protecting the rights of such employees. Such policy shall require random, unannounced drug testing at least one (1) time each year for any employee who has direct contact with a nursing home patient in the care of the nursing home facility.

(f) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(g) This section shall also apply to any company, organization, or agency that provides or arranges for the supply of direct care staff to any nursing home licensed in this state. The company, organization, or agency shall be responsible for initiating a criminal background check on any person hired by that entity for the purposes of working in a nursing home and for conducting random drug testing on such employee at least one (1) time per year, and shall be required to report the results of the criminal background check and drug test to any facility in which the organization arranges for that individual to work, upon such a request by a facility.

(h) A nursing home that declines to employ or terminates a person based upon criminal background or drug testing information provided to the facility under this section

shall be immune from suit by or on behalf of that person for the termination of or the refusal to employ that person.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.